

4068-0002-0PCT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
FRANCIS VANDERBIST ET AL : EXAMINER: KRATZ, C. AND  
SERIAL NO: 09/424,247 : SMITH, L.  
FILED: NOVEMBER 30, 1999 : GROUP ART UNIT: PCT LEGAL OFFICE  
FOR: DRY POWDER INHALER :  
EXCIPIENT, PROCESS FOR ITS  
PREPARATION AND  
PHARMACEUTICAL COMPOSITIONS  
CONTAINING IT

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JUN 19 2001

Technology Center 2100

SUPPLEMENTAL REQUEST FOR RECONSIDERATION

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Further to the Request for Reconsideration of May 29, 2001, Applicants provide herewith a copy of a facsimile received on May 29, 2001, from Galephar P.R. Inc.

Unfortunately, this facsimile was not received in sufficient time to incorporate the same into the filing of May 29, 2001.

Nevertheless, the facsimile (identified as attachment 16) provides a copy, executed by two co-inventors Francis Vanderbist and Phillippe Baudier, of a description of the

contributions of each of Francis Vanderbist, Phillippe Baudier and Paul Maes to the work leading up to the present invention.

In view of the Request for Reconsideration of May 29, 2001, and the above, including the sixteen (16) attachments of record, providing clear evidence that Mr. Paul Maes refuses to execute the Declaration for this case, Applicants earnestly urge that this application be accepted for further national stage processing.

Favorable consideration is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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Attorney of Record  
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William E. Beaumont  
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Docket No.: 4068-0002-0 PCT

ASSISTANT COMMISSIONER OF PATENTS  
ATTENTION: PCT LEGAL OFFICE  
WASHINGTON, D.C. 20231

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13 JUN 2001  
Legal Staff  
International Division

RE: Application Serial No.: 09/424,247  
Applicant(s): FRANCIS VANDERBIST ET AL  
Filing Date: NOVEMBER 30, 1999  
Examiner: FRATZ, C. and SMITH, L. GROUP ART UNIT: PCT LEGAL  
For: DRY POWDER INHALER EXCIPIENT, PROCESS FOR ITS PREPARATION AND  
PHARMACEUTICAL COMPOSITIONS CONTAINING IT

SIR:

Attached hereto for filing are the following papers:

SUPPLEMENTAL REQUEST FOR RECONSIDERATION + ATTACHMENT 16

Our check in the amount of \$0 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Norman F. Oblon  
Registration No. 24,618  
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## ATTACHMENT 16

# Fax

To:	Mr. William Beaumont	From:	Mr. Arthur M. Deboeck
Fax:	1-703-413-2220	Pages:	02 (including cover page)
Phone:	1-703-412-6471	Date:	May 29, 2001
Re:	Sign Documents	CC:	

☐ Urgent    ☒ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

If you do not receive this fax complete please call 787-713-0340.

Dear William,

Enclose you will find the Invention Process documents signed by Francis Vanderbist and Philippe Baudier.

If you need more information or have any doubt, do not hesitate to contact me

Regards,

*By Rgn*

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MAY 29 2001  
OBLON, SPIVAK, McLELLAND  
MAIER & NEUSTADT, P.C.

**Laboratoires S.M.B. S.A.****AN INTEGRATED PHARMACEUTICAL COMPANY**

**"DRY POWDER INHALER EXCIPIENT. PROCESS FOR  
IT PREPARATION AND PHARMACEUTICAL  
COMPOSITIONS CONTAINING IT"**

**INVENTION PROCESS**

The Patent (WO 98/50015) "Dry Powder Inhaler Excipient, Process for its preparation and Pharmaceutical compositions containing it" was invented by Francis Vanderbist, Paul Maes and Philippe Baudier.

Francis Vanderbist, Industrial Pharmacist employee of SMB and Project Manager had made the hypothesis that the roller dried lactose could be of interest as a carrier for Dry Powder Inhalation hoping that it could provide for increased stability of active drugs.

During a regular research and development meeting Francis Vanderbist reported this idea to Mr. Paul Maes, R & D Director and his direct supervisor at that time and to Mr. Philippe Baudier, Managing Director. The three present at that meeting concluded to go forward with the concept and decided to further meet on a regular basis and to assign to Francis Vanderbist the Laboratory work.

Brain storming meetings took place on a regular basis for the purpose of transforming the concept to useful medical application. Mr. Philippe Baudier principal collaboration was to select the useful areas of research by defining the active chemical entities of commercial and medical interest and by providing the necessary funding. Mr. Paul Maes, principal collaboration was to assure that the experiments performed were scientifically sound and that the work was performed on a timely basis.

After full collaboration on this project for about 3 years, a patent application was written in collaboration by the three inventors.

We, Francis Vanderbist and Philippe Baudier, declare that the patent "Dry Powder Inhaler Excipient, Process for its preparation and Pharmaceutical compositions containing it" listed in the PCT application PCT/BX98100064 was originated from the collaborative work of the three inventors Francis Vanderbist, Paul Maes and Philippe Baudier.

  
Francis Vanderbist  
Philippe Baudier

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